

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TAYLOR HAZLEWOOD,

*Plaintiff,*

V.

NETFLIX, INC.,

*Defendant.*

Case No. 3:23-cv-01109

**NOTICE OF STIPULATION ON DEPOSITIONS**

Please take notice that on December 27, 2023, the parties entered the attached stipulation regarding the number of depositions in this case.

Date: May 20, 2024

Respectfully submitted,

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*/s/ Joshua J. Bennett*

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E. Leon Carter

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Joshua J. Bennett

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Monica Litle Goff

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**ATTORNEYS FOR DEFENDANTS**

Monday, May 20, 2024 at 20:14:53 Eastern Daylight Time

**Subject:** Re: Hazlewood v. Netflix  
**Date:** Wednesday, December 27, 2023 at 9:48:43 PM Eastern Standard Time  
**From:** Buchanan, Angela M.  
**To:** Joshua Bennett  
**CC:** Jenkins, Trent, Linda Stahl, Monica Goff, Dallas Staff, Jordan Haynie, Wolfe, Thomas G.  
**Attachments:** image001.png, image002.png, image003.jpg



We're agreed to you exceeding 10 depositions to depose all persons identified in disclosures.



Angela M. Buchanan  
Of Counsel  
2021-2022 Best Lawyers in America – One to Watch,  
Commercial Litigation

On Dec 27, 2023, at 5:44 PM, Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)> wrote:

Phillips Murrah P.C. | Dallas | Suite 900  
3710 Rawlins St | Dallas, TX 75219

D: 469.485.7341 | F: 214.434.1370

We'll agree to disagree about Hazlewood's compliance but will table the issue for now. [ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com) | [VCard](#) | [Profile](#)

In the meantime, please confirm that Mr. Hazlewood will stipulate to our deposing each individual he may call to support his claims or defenses (those he listed in his disclosures). Otherwise, please provide a date and time to confer on our motion to exceed 10 depositions based on the sheer number of individuals Hazlewood disclosed.

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**From:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>  
**Date:** Wednesday, December 27, 2023 at 5:06 PM  
**To:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>, Jenkins, Trent <[tjenkins@phillipsmurrah.com](mailto:tjenkins@phillipsmurrah.com)>, Linda Stahl <[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>, Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>  
**Cc:** Dallas Staff <[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>, Jordan Haynie <[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>, Wolfe, Thomas G. <[tgwolfe@phillipsmurrah.com](mailto:tgwolfe@phillipsmurrah.com)>  
**Subject:** RE: Hazlewood v. Netflix

My client and I have met our obligations in disclosing individuals. My client took reasonable steps to gather and produce information that was reasonably available to him, and he has no additional information at this time. If we obtain additional information, as stated a multitude of times, we will supplement our disclosures. The applicable Rule provides as follows:

(a) REQUIRED DISCLOSURES.

(1) *Initial Disclosure.*

(A) *In General.* Except as exempted by [Rule 26\(a\)\(1\)\(B\)](#) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:

(i) the name and, **if known**, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

There is no basis for any fee shifting.

Thank you,

Angela M. Buchanan  
Of Counsel  
<image001.png>

Phillips Murrah P.C. | D: 469.485.7341 | F: 214.434.1370  
[phillipsmurrah.com](http://phillipsmurrah.com)

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**From:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>

**Sent:** Wednesday, December 27, 2023 4:30 PM

**To:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>; Jenkins, Trent <[tjenkins@phillipsmurrah.com](mailto:tjenkins@phillipsmurrah.com)>; Linda Stahl <[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>; Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>

**Cc:** Dallas Staff <[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>; Jordan Haynie <[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>

**Subject:** Re: Hazlewood v. Netflix

With that clarification, please confirm whether Mr. Hazlewood will stipulate to the deposition of each person listed in his disclosures (since that will require Netflix to exceed 10 depositions).

Netflix advises now that beginning next Wednesday, January 3, Netflix will begin incurring costs to obtain the information that Netflix needs but that Mr. Hazlewood hasn't provided so that Netflix may subpoena each individual. During each deposition, Netflix will ask each witness whether Mr. Hazlewood (or his agents) contacted them to inquire about their contact information before Netflix served the subpoena. Depending on the answers to those questions, Netflix will seek cost shifting for any costs Netflix needlessly incurred.

Mr. Hazlewood is required to make his disclosures based on information reasonably available to him. Fed. R. Civ. P. 26(a)(1)(E). And “reasonably available” information includes not merely information known to a party (or his agents and counsel) but also information obtainable through reasonable investigation. See Adv. Comm. Notes to 1993 Amendment to Fed.R.Civ.P. 26(a). Failure to contact individuals whom only Hazlewood knows to obtain this information isn’t reasonable.

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**From:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>  
**Date:** Wednesday, December 27, 2023 at 3:28 PM  
**To:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>, Jenkins, Trent <[tjenkins@phillipsmurrah.com](mailto:tjenkins@phillipsmurrah.com)>, Linda Stahl <[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>, Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>  
**Cc:** Dallas Staff <[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>, Jordan Haynie <[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>  
**Subject:** RE: Hazlewood v. Netflix

I answered your question. I have provided all of the information we have at this time. You asked me to clarify whether the individuals included in the disclosures are persons with knowledge of relevant facts or persons we expect to call to call at trial. My response that “we have not made a decision regarding whom we will call to testify at trial,” is directly responsive to that question. The persons listed in disclosures are those persons “likely to have discoverable information” that Hazlewood may use to support his claims or defenses. These persons have been disclosed pursuant to Fed. R. Civ. P. 26(a)(1) (seeking the disclosure of “the name and, if known, the address and telephone number of each individual likely to have discoverable information...”).

Angela M. Buchanan  
Of Counsel  
<image001.png>

Phillips Murrah P.C. | D: 469.485.7341 | F: 214.434.1370  
[phillipsmurrah.com](http://phillipsmurrah.com)

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**From:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>  
**Sent:** Wednesday, December 27, 2023 3:18 PM  
**To:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>; Jenkins, Trent <[tjenkins@phillipsmurrah.com](mailto:tjenkins@phillipsmurrah.com)>; Linda Stahl <[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>; Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>  
**Cc:** Dallas Staff <[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>; Jordan Haynie <[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>  
**Subject:** Re: Hazlewood v. Netflix

Ms. Buchanan,

That answer isn’t responsive to the question.

Federal Rule of Civil Procedure 26(a) is pretty clear: Mr. Hazlewood must identify anyone he “*may* use to support [his] claims or defenses,” whether to support a motion, a response to a motion, or at trial. The fact that you’re not sure who will be called at trial really doesn’t matter.

Please confirm by tomorrow whether Mr. Hazlewood may use each of the persons listed in the disclosure to support his claims or defense. The distinction is important.

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**From:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>  
**Date:** Wednesday, December 27, 2023 at 3:04 PM  
**To:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>, Jenkins, Trent <[tjenkins@phillipsmurrah.com](mailto:tjenkins@phillipsmurrah.com)>, Linda Stahl <[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>, Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>  
**Cc:** Dallas Staff <[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>, Jordan Haynie <[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>  
**Subject:** RE: Hazlewood v. Netflix

We have provided all of the information we have at this point. If we obtain additional information, then we will provide it. We have not made a decision regarding whom we will call to testify at trial.

Angela M. Buchanan  
Of Counsel  
<image001.png>

Phillips Murrah P.C. | D: 469.485.7341 | F: 214.434.1370  
[phillipsmurrah.com](http://phillipsmurrah.com)

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**From:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>  
**Sent:** Wednesday, December 27, 2023 2:57 PM  
**To:** Jenkins, Trent <[tjenkins@phillipsmurrah.com](mailto:tjenkins@phillipsmurrah.com)>; Linda Stahl <[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>; Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>  
**Cc:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>; Dallas Staff <[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>; Jordan Haynie <[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>  
**Subject:** Re: Hazlewood v. Netflix

**CAUTION:** This email originated from outside Phillips Murrah’s Email System. DO NOT CLICK on any links or open attachments unless you recognize the sender and know the content is safe.

Counsel,

Please respond. This is a pretty simple request.

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**From:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>

**Date:** Monday, December 18, 2023 at 11:24 AM

**To:** Jenkins, Trent <[ltjenkins@phillipsmurrah.com](mailto:ltjenkins@phillipsmurrah.com)>, Linda Stahl  
<[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>, Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>

**Cc:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>, Dallas Staff  
<[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>, Jordan Haynie  
<[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>

**Subject:** Re: Hazlewood v. Netflix

Thank you, Mr. Jenkins.

Ms. Buchanan, there still aren't any addresses for any of the individuals listed in Plaintiff's disclosures that Netflix didn't provide (e.g., RAW). Can you please clarify: are these individuals merely with persons with knowledge of relevant facts (the kind disclosed in state court disclosure) or individuals Plaintiff actually intends to call at trial (the kind disclosed in federal disclosures)?

If they're all the latter, we're entitled to depose them but must have sufficient contact information so we may know where to subpoena them. Can you clarify for us please? That'll help us know what steps to take next.

---

**From:** Jenkins, Trent <[ltjenkins@phillipsmurrah.com](mailto:ltjenkins@phillipsmurrah.com)>

**Date:** Monday, December 18, 2023 at 10:48 AM

**To:** Joshua Bennett <[jbennett@carterarnett.com](mailto:jbennett@carterarnett.com)>, Linda Stahl  
<[lstahl@carterarnett.com](mailto:lstahl@carterarnett.com)>, Monica Goff <[mgoff@carterarnett.com](mailto:mgoff@carterarnett.com)>

**Cc:** Buchanan, Angela M. <[ambuchanan@phillipsmurrah.com](mailto:ambuchanan@phillipsmurrah.com)>, Dallas Staff  
<[dallas-staff@phillipsmurrah.com](mailto:dallas-staff@phillipsmurrah.com)>, Jordan Haynie  
<[jhaynie@carterarnett.com](mailto:jhaynie@carterarnett.com)>

**Subject:** Hazlewood v. Netflix

Good morning,

Attached please find Plaintiff's First Amended Disclosures in connection with the above-referenced matter.

If you have any questions, please feel free to reach out.

Thank you.

<image002.png>

Trent Jenkins  
Paralegal  
<image003.jpg>

Direct: 469.485.7343 | Fax: 214.434.1370

[ltjenkins@phillipsmurrah.com](mailto:ltjenkins@phillipsmurrah.com)

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